

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Applicants appreciate the acknowledgement of allowable subject matter in claims 2 and 3.

By the foregoing amendment, claims 1, 2, 7, 11 and 15 have been amended and new claims 16-25 have been added. Thus, claims 1-25 are currently pending in the application and subject to examination.

Claims 1-15 and New Claims 16-25 Recite Patentable Subject Matter

In the Office Action mailed April 6, 2005 claims the Examiner rejected claims 1 and 4-15 under 35 USC § 102(b) as being anticipated by Japanese Patent Application No.: 2000-125209 to Oda (hereinafter, "Oda"), which corresponds to U.S. Patent No. 6,831,692. The Examiner objected to claims 2 and 3 as depending from a rejected base claim. It is noted that claims 1, 2, 7, 11 and 15 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicant hereby traverses the rejection, as follows.

The Applicants submit that Oda does not describe or suggest at least the limitations of each pixel including a first photoelectric conversion element and a second photoelectric conversion element electrically separated; and a light shielding film formed over said semiconductor substrate, said light shielding film having only one opening above each pixel, as claimed in claims 1, 11 and 15, as amended.

In the outstanding Office Action, the Examiner asserts that Oda discloses in a solid state image pickup device of Figs. 1 and 10, a plurality of pixels formed on a

substrate, each pixel having a plurality of photoelectric conversion elements (SH, SL), i.e., 14a, electrically separated. However, Oda discloses at col. 4, lines 59-61, that each of the photosensitive cells 14a forms a particular pixel. Thus, in Oda, each pixel is formed of one photosensitive cell 14a.

Moreover, independent claims 1, 11, and 15, as amended, recite “a light shielding film formed over said semiconductor substrate, said light shielding film having only one opening above each pixel” (emphasis added). In the outstanding Office Action, the Examiner asserts that Oda teaches each pixel having a plurality of photoelectric conversion elements (SH, SL). However, if one were to interpret the pixels of Oda in this manner, i.e., as having two photosensitive cells per pixel (not admitted), the light shielding film in Oda would then have two openings above each pixel (see Oda at Figs. 10A and 10B, and col.11, line 63 - col.12, line 8).

For at least these reasons, Applicant submits that claims 1, 11 and 15 are allowable over the cited prior art. As claims 1 and 11 are allowable, Applicant submits that claims 2-10 and 12-14, as well as newly added claims 16-25, each of which depends from one of allowable claims 1 and 11, are likewise allowable over the cited prior art.

Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

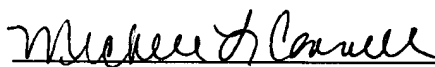
For all of the above reasons, it is respectfully submitted that claims 1-25 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 107317-00062.

Respectfully submitted,

Arent Fox, PLLC



Michele L. Connell

Registration No. 52,763

Customer No. 004372

1050 Connecticut Ave., N.W.

Suite 400

Washington, D.C. 20036-5339

Telephone No. (202) 857-6104

Facsimile No. (202) 857-6395

WC/MLC:

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